

CONSERVATION COMMISSION

REGULAR MEETING AUGUST 19, 2008

E. CURTIS AMBLER ROOM

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotape on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:00 p.m. and noted Commissioners Igielski, Pappa, Shaffer and Shapiro were present. Also present were Alternates Harlow and Turgeon and Mr. Anthony Ferraro, Town Engineer.

NOTE: Chairman Block designated that Alternate Harlow would vote for vacant position and Alternate Turgeon would vote for Commissioner Byer.

ITEM III

ACCEPTANCE OF MINUTES

Regular Meeting of June 17, 2008

Motion made by Alternate Turgeon to accept the minutes and was seconded by Commissioner Shaffer. There was no discussion. Vote was 6 yes, 0 no, 1 abstention (Shapiro) and the motion was carried.

Regular Meeting of July 15, 2008

Mr. Anthony Ferraro, Town Engineer, noted under ITEM VA remark by Vice-Chairman should read "Vice-Chairman Igielski noted that since Chairman Block....over to the August (July) meeting".

Motion made by Commissioner Igielski to accept the minutes as corrected and was seconded by Commissioner Shaffer. There was no discussion. Vote was 4 yes, 0 no, 3 abstentions (Block, Harlow and Turgeon) and the motion was carried.

ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VA

APPLICATION 2008-6 for Map Amendment for 549 Cedar Street

Commissioner Igielski noted the only action required tonight by the Commission on the application is to set a date for a public hearing.

Motion made by Commissioner Igielski that per Section 15.7 of the Regulations a public hearing be held on Application 2008-6 (Map Amendment for 549 Cedar Street) at 7:00 p.m. on September 16, 2008 in the E. Curtis Ambler Room, Town Hall.

ITEM VB

APPLICATION 2008-7 for Test Pitting Investigation at 549 Cedar Street

Mr. Patrick Haskell, ENSR, and representing the applicant, referring to a map on the wall, entered the following remarks into the record:

- A. During a field reconnaissance (which is part of an ongoing environmental site investigation) buried metals were found at the southwest corner of the property.
- B. The application seeks permission to dig test pits at the locations shown on the map to determine the limits of buried material near the rail road tracks.

Chairman Block asked how much material may be involved and how were the limits of the study area determined? Mr. Haskell responded by using an electromagnetic device and it is not possible to determine the amount of material at this time.

Mr. Haskell, referring to the map, noted that proposal is to excavate seven (7) test pits over a 300 foot long segment of land. He also noted that approximately five (5) to six (6) feet of fill had been previously placed over the existing wetland where the work would be done.

Chairman Block asked the following questions:

- A. Who would receive a copy of the report emanating from the test pit investigations? Mr. Haskell responded the DEP and Central Connecticut Health District.
- B. Would there be a problem to provide the Commission with a copy of the report? Mr. Haskell responded no.
- C. Are only ferrous metals involved in the investigation? Mr. Haskell responded that beyond the metals the abutting soils would have to be investigated for contamination.

Chairman Block noted that once a final scope of work is determined, the applicant would have to come back to the Commission.

Mr. Haskell acknowledged that he would have to come back to the Commission for a new permit to remove the metals and any contaminated soils.

Commissioner Pappa asked if the applicant would go in prepared to find the problem and handle it? Mr. Haskell responded yes.

Chairman Block noted that any permit issued now would be temporary in nature and the area would have to be restored after the work was done

Mr. Haskell said all work would be done under the supervision of a licensed professional.

Commissioner Igielski noted the report says that the work would be done in two (2) days during the months of either June or July. The report should be revised to early October.

Chairman Block asked why can't the work be done before the map amendment is acted upon? Mr. Ferraro responded because the official Town Map today shows the proposed activity to occur within a wetland; whereas, the map amendment would show the activity to occur within the upland review area.

Commissioner Igielski asked if the application before the Commission is based on the activity taking place within the upland review area. Mr. Haskell responded yes.

Mr. Ferraro noted that it is possible that both applications could be acted upon at the September meeting if the public hearing on the map amendment is closed that night.

Commissioner Igielski suggested that what is being proposed should provide continuity between the two (2) applications.

ITEM VC

Election of Officers (Commission Secretary)

No action was taken to fill the position.

It was the consensus of Commission members to carry the item over to the September meeting

ITEM VIA

NEW APPLICATION 2008-5, Driveway Improvements at 3333 Berlin Turnpike

Commissioner Igielski noted that he is an employee of Northeast Utilities and therefore would reclude himself from participating on the application.

Chairman Block asked if there was no new information conveyed? Mr. Ferraro responded yes.

Chairman Block asked if the application was complete? Mr. Ferraro responded yes.

Motion made by Commissioner Pappa that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2008-5 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Alternate Harlow. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

Mr. Ferraro passed out a list of suggested conditions for consideration by Commission members. There was a general review and discussion by Commission members (listen to audio tape for any remarks).

Motion made by Alternate Harlow to grant a permit by Summary Ruling for Application 2008-5 and subject to conditions. Motion was seconded by Commissioner Shapiro. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

NOTE: Refer to audio tape or "Official Notification of Action" for conditions of the permit.

Mr. Igielski returned as a voting member.

ITEM VI B

Draft Application Form

Chairman Block requested that Commission members review available information and be prepared to bring back their final thoughts to next month's meeting. He asked if anyone had a final comment?

Recording Secretary Arburr noted that the format of the proposed new page in his opinion leaves it up to the applicant's interpretation as to what information is to be submitted in several areas. These areas should be expanded to make clear what is required under the Regulations.

Chairman Block asked if the area(s) of concern could be addressed by adding a backup page to the front page? Mr. Arburr responded yes.

Commissioner Igielski asked if Commission members could have the most up to date sheet (under discussion) for next month's meeting? Mr. Ferraro responded the front page sheet discussed at the May meeting is the latest.

It was the consensus of Commission members to carry the item over to the September meeting.

ITEM VI C

100 Waverly Drive-Cutting of Trees

Mr. Ferraro put a map of the subdivision on the wall showing the condition (removal of trees within tree conservation easement) under discussion. He passed out photos showing the existing conditions in the field and proceeded to explain what occurred within the easement area (listen to audio tape for retails of his remarks).

Mr. Ferraro noted that letters were sent by him and Town Planner to the property owner. He noted that as compensation the owner has planted four (4) to five (5) trees of small caliper.

Chairman Block asked the following questions:

- A. Did the stones for the wall come from the plunge pool? Mr. Ferraro responded some of the stones.
- B. Does the Commission have to make a determination if the garden lies within the easement area? Mr. Ferraro responded no; it has been determined that it lies outside of the easement area.
- C. It was noted there were within the easement area several dead and damaged trees as a result of construction activities. These trees should have been removed. Who is responsible for the maintenance of this area? NOTE: There was a general discussion by Commission members (listen to audio tape for details).

Commissioner Igielski asked what part of the area under discussion is wetland or upland review area? Mr. Ferraro responded all of the area lies within the upland review area.

Chairman Block said if the Commission can not look into this area under the (wetland) Regulations, then it should look into the matter as the Conservation Commission. Someone in Town should have the responsibility to make the determination that the area should be cleaned up (get rid of the dead trees).

Chairman Block requested that Mr. Ferraro look into the matter and report back to the Commission at the September meeting.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS: NONE

Motion made by Commissioner Pappa to adjourn meeting at 8:05 p.m. and was seconded by Alternate Harlow. There was no discussion. Vote was 7 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members
Tayna Lane, Town Clerk
Town Manager John Salamone
Edmund Meehan, Town Planner
Councilor Myra Cohen
Chairperson, Town Plan and Zoning Commission
Anthony Ferraro, Town Engineer
Ben Ancona Jr., Esquire, Town Attorney
Lucy Robbins Wells Library (2)

